

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DEVEIRE GRIGGS, KEASIA  
EASON, and KAMRON EASON, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEVEIRE GRIGGS,

Respondent-Appellant,

and

CANDACE EASON-GRIGGS and JOSEPH  
HODGES,

Respondents.

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In the Matter of KEASIA EASON, KAMRON  
EASON, and DEVEIRE GRIGGS, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CANDACE EASON-GRIGGS,

Respondent-Appellant,

and

JOSEPH HODGES and DEVEIRE GRIGGS,

Respondents.

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UNPUBLISHED  
December 14, 2004

No. 255831  
Kent Circuit Court  
Family Division  
LC No. 02-269800-NA

No. 256294  
Kent Circuit Court  
Family Division  
LC No. 02-269800-NA

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

PER CURIAM.

In these consolidated appeals, respondent Griggs appeals as of right the trial court order terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(c)(i) and (g), and respondent Eason-Griggs appeals by delayed leave granted the same order terminating her parental rights to all three minor children pursuant to the same statutory sections. We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). The family came to the attention of protective services after a drug raid on respondent Eason-Griggs' home. The minor children were in the home at the time and were exposed to smoke and had access to drug paraphernalia. Respondent Eason-Griggs later pleaded guilty to possession with intent to deliver cocaine. Over the course of the year after the adjudication hearing, respondents consistently did not return drug screens that were sent to them, had positive drug screens, and had positive hair follicle tests. The court consistently impressed upon respondents that they needed to show the court that they could parent the minor children in a drug free lifestyle and that they could prove this by returning negative drug screens on time. While there were areas of the parent/agency agreement in which respondents made progress, they did not demonstrate that they were addressing their substance abuse, which was the primary condition that led to adjudication.

Respondent Griggs argues that petitioner did not provide reasonable efforts to assist him in reuniting with the minor children because he was twice incarcerated on drug charges during the course of the proceedings and petitioner did not provide him with any services while he was incarcerated. However, two agencies referred by petitioner either met with respondent Griggs, or agreed to meet with him, while he was incarcerated to help him with his substance abuse issues. After he was released from jail, respondent Griggs did not return drug screens that were sent to him, had a positive hair follicle test, and associated with individuals known to be involved with drugs and was found at a known drug house. The court did not clearly err in determining that petitioner provided reasonable efforts to rectify the conditions relating to respondent Griggs that brought the minor children into care.

With regard to respondent Griggs' argument that he should have been appointed an attorney earlier in the proceedings so that he could complete the requirements of his parent/agency agreement, the record reveals that respondent Griggs was personally served with a notice of hearing regarding the contested adjudication. The notice advised him of his right to be represented by an attorney and stated that, if he was financially unable to employ an attorney, he must notify the court immediately upon receipt of the notice. Nothing in the record indicates that respondent Griggs requested an attorney at an earlier date or that one was not appointed for him upon request. With regard to respondent Griggs' argument that he should have been given more time because he did not receive services while he was incarcerated, this argument would be more compelling if respondent had returned the drug screens provided on time and was not found associating with individuals involved with illegal drugs. The court did not clearly err in not

providing respondent Griggs with additional time to complete the requirements of his parent/agency agreement.

Respondent Eason-Griggs argues that the court clearly erred because she substantially complied with all aspects of the parent/agency agreement, maintained a strong bond with the minor children, and the evidence did not support a finding that she continued with marijuana use. However, respondent Eason-Griggs failed to return many of the drugs screens required of her and had positive screens among the tests she did return. At the time of the termination hearing, her substance abuse, which was the primary condition of adjudication, remained a significant issue. Her bond with the minor children did not outweigh her inability to address her substance abuse.

The record before this Court does not support respondent Eason-Griggs' argument that her counsel was constitutionally ineffective for failing to challenge the validity of the hair follicle tests. In addition to positive hair follicle tests, respondent had positive urine screens, did not return most of the screens provided to her, and was stopped by police officers on two occasions in the company of individuals engaged in drug activities.

The court did not clearly err in finding that MCL 712A.19b(3)(c)(i) and (g) were established by clear and convincing evidence. Furthermore, the evidence did not clearly show that it is not in the minor children's best interests to terminate respondents' parental rights. MCL 712A.19b(5).

Affirmed.

/s/ Jane E. Markey  
/s/ E. Thomas Fitzgerald  
/s/ Donald S. Owens